

Indiana Department of Environmental Management

Office of Water Management

Rule Fact Sheet

December 8, 1999

DEVELOPMENT OF NEW RULES CONCERNING CONSUMER CONFIDENCE REPORTS

#98-272(WPCB)

Overview

The Indiana Department of Environmental (IDEM) has developed draft rule language for new rules concerning consumer confidence reports for community water systems.

Citations Affected

This rule adds 327 IAC 8-2.1.

Affected Persons

All community water systems and any citizen of Indiana who receives drinking water from a community water system.

Reason(s) for the Rule

Under the requirements of the federal Safe Drinking Water Act Amendments of 1996 (SDWA), the United States Environmental Protection Agency (EPA) promulgated final regulations concerning consumer confidence reports in the August 19, 1998, Federal Register.

IDEM is required to have effective state regulations that are no less stringent than the federal regulation in place no later than August 21, 2000. This rulemaking is necessary in order to maintain consistency with the federal requirements under the SDWA.

Economic Impact of the Rule

There will be an increased cost to community water systems in compiling and distributing the information in the consumer confidence reports. This cost will vary depending on the number of users of the community water system.

Benefits of the Rule

The information contained in the consumer confidence reports is designed to raise consumers awareness of where their drinking water comes from, to help them understand the process by which safe drinking water is delivered to their homes, and to educate them about the importance of preventive measures that ensure a safe drinking water supply.

Consumer confidence reports can promote dialog between consumers and their drinking water utilities and can encourage consumers to become more involved and make informed decisions regarding drinking water that may effect their health. These reports will also provide access to drinking water information including source water assessments, health effects data, and additional information about the water system.

Description of the Rulemaking Project

The new rules will establish criteria for developing consumer confidence reports for community water systems.

This rulemaking is necessary in order to maintain consistency with the federal requirements under the Safe Drinking Water Act. All community water systems are required under the federal regulations to provide a consumer confidence report to their consumers annually beginning in 1999. The first report is required to be based on 1998 calendar year monitoring and is to be completed by October 19, 1999. Each subsequent report will be due by July 1 annually.

The consumer confidence report is a water quality report to provide valuable information to consumers of community water systems on the quality of their drinking water. As a result, consumers will become more aware of water quality issues and make more informed choices concerning their drinking water usage.

Scheduled Hearings

First Public Hearing: June 9, 1999, at the Indiana

Government Center-South, Training Center, Room 5, at 1:30 p.m.

Second Public Hearing: December 8, 1999, at the Indiana Government Center-South, Conference Room A, at 1:30 p.m.

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

- 1) All existing physical conditions and the character of the area affected.
- 2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.
- 3) Zoning classifications.
- 4) The nature of the existing air quality or existing water quality, as appropriate.
- 5) Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.
- 6) Economic reasonableness of measuring or reducing any particular type of pollution.
- (7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:
 - (A) human, plant animal, or aquatic life; or
 - (B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

The new rules are consistent with federal Safe Drinking Water Act Amendments of 1986, the Lead Containment Control Act of 1988, and the Safe Drinking Water Act Amendments of 1996.

Rulemaking Process

A first notice of comment period was published in the *Indiana Register* on January 1, 1999. This includes a discussion of issues and opens a first comment period. A second notice of comment period was published in the *Indiana Register* on April 1, 1999, which contains the comments and the departments responses from the first comment period, a notice of first meeting/hearing, and the draft rule. The Water Pollution Control Board holds the first meeting/hearing and public comments are heard. The proposed rule is published in the *Indiana Register* after preliminary adoption along with a notice of second meeting/ hearing. If the proposed rule is substantively different from the draft rule, a third comment period is required. The second public meeting/hearing is held and public comments are heard. Once final adoption occurs, the rule becomes effective 30 days after filing with the Secretary of State.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from Kari Simonelic, Chief, Rules Section, Office of Water Management, (317) 233-8903 or (800) 451-6027 (in Indiana).